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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,381	03/04/2002	John Cook	30222/83:9 US	8204

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EXAMINER

NAKARANI, DHIRAJLAL S

ART UNIT PAPER NUMBER

1773

DATE MAILED: 11/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/092,381

Applicant(s)

COOK ET AL.

Examiner

D. S. Nakarani

Art Unit

1773

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 5 and 19 are duplicate claims.
2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramsey et al (US Patent 5,955,205) in view of Koch et al (US Patent 5,399,426).

Ramsey et al disclose a stretch cling film comprising cling (or reverse) layer A, core layer B and non-cling (or obverse) layer C. The polymer of cling layer comprises ultra low density polyethylene having density less than 0.915 (column 4, lines 16-21) and non-cling layer made of polypropylene (Examples 2, 3, 5 and 6-8; Tables 3 and 5). The core layer is made of linear low density polyethylene. The total thickness of the multi-layer film is from about 0.4 to about 20 mils (i.e. 40 to 2000 gauge since 100 gauge = 1 mil). The claimed thickness range falls within Ramsey et al's disclosed thickness range. Ramsey et al fail to disclose a core layer made of a blend of linear low density polyethylene and low density polyethylene.

Koch et al disclose a stretch wrap film having a core made of a blend of linear low density polyethylene and low density polyethylene or ethylene vinyl acetate copolymer. Koch et al disclose mixing ratio of linear low density polyethylene to low density polyethylene or to ethylene vinyl acetate copolymer from about 5:1 to 33:1 (column 4, lines 3-8). Koch et al

Art Unit: 1773

disclose that addition of low density polyethylene in the core layer increase ultimate elongations. Koch et al's three layer film has thickness of 20 microns (i.e. 79 gauge based on 100 gauge = 1 mil and 1 mil = 25.4 microns). Koch et al also disclose thickness of the three layer film is from about 0.3 to about 10 mils (30 gauge to 1000 gauge especially from about 0.15 mils to about 1.2 mils (i.e. 15 gauge to 120 gauge) (column 5, lines 8-13). Thus Koch et al's film thicknesses also includes claimed film thicknesses.

Therefore it would have been obvious to a person of ordinary skill in the art at the time of this invention made to utilize disclosure of Koch et al in the invention of Ramsey et al to add low density polyethylene or ethylene vinyl acetate copolymer to linear low density polyethylene forming core layer to increase ultimate elongation % of the film. Koch et al suggest addition of about 3 wt% low density polyethylene (Example 5). It would have been obvious to a person of ordinary skill in the art to optimize amounts of linear low density polyethylene and low density polyethylene for desired ultimate elongation and machine direction tear strength. Increased amount of low density polyethylene in blend increases ultimate elongation and machine direction tear strength as evidenced by Examples 5 and 6 (Table 7), Examples 14 and 15 (Table 10) and Examples 16-20 (Table 11).

No claims are allowed.

4. Receipt of Information Disclosure Statement filed June 12, 2002 is acknowledged and has been made of record.

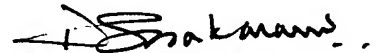
Art Unit: 1773

5. Any inquiry concerning this communication from the examiner should be directed to Examiner D. S. Nakarani whose telephone number is (703) 308-2413. The examiner can generally be reached on Tuesday-Friday from 7 a.m. to 5:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Thibodeau can be reached on (703) 308-2367. The fax phone number for the organization where this application is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is (703) 308-0661.

D.S. Nakarani/dh
November 4, 2003.


D. S. NAKARANI
PRIMARY EXAMINER